

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER

09-cr-135-bbc

v.

DARNELL WESLEY MOON,

Defendant.

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Defendant has filed a request for a copy of his sentencing transcripts, plea agreement, stipulation of facts and presentence report, stating that he wishes to use these documents to challenge his conviction in a motion brought pursuant to 28 U.S.C. § 2255. It is not clear to me what defendant means when he asks for a copy of the “stipulation of facts.” Defendant can review the enclosed docket sheet and indicate by docket number what documents he would like copied. He may submit his request to the clerk of court who will inform him of the total for copying charges at the indigent rate of \$.10 a page. In addition, I am enclosing a copy of the §2255 form.

As to defendant’s request for a copy of the presentence investigation report, he should

contact his case worker at the prison and make arrangements to view the report at the prison.

Finally, as to defendant's request for a copy of the sentencing transcripts, I construe the request as a motion for preparation of the sentencing transcript at government expense, pursuant to 28 U.S.C. §753(f), which provides in relevant part:

Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States . . . if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.

Defendant has not said what aspect of his conviction he wishes to challenge in his §2255 motion or explained how the sentencing transcript is necessary to decide the issue. Without this information, I cannot certify either that his motion would not be frivolous or that the transcript is necessary. Therefore, his request for preparation of the sentencing transcript at government expense will be denied without prejudice. He may renew the motion at any time, explaining exactly why he needs the transcript to support his motion.

ORDER

IT IS ORDERED that defendant Darnell Wesley Moon's motion for preparation of a sentencing transcript at government expense pursuant to 28 U.S.C. §753(f) is DENIED without prejudice.

Entered this 17th day of February, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge